

# Notice of Allowability

Application No.

09/831,534

Examiner

DiBrino Marianne

Applicant(s)

SMITH, BRYAN JOHN

Art Unit

1644

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment filed 3/29/06.
2. ☒ The allowed claim(s) is/are 14 and 16-22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date attached hereto.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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### DETAILED ACTION

1. Applicant's amendment filed 3/29/06 is acknowledged and has been entered.
2. The Declaration of Bryan John Smith, Ph.D. under 37 CFR 1.132 filed 3/29/06 is acknowledged and has been entered.
3. Applicant's Drawings filed 5/10/01 are acceptable.

### EXAMINER'S AMENDMENT

4. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given by Mr. David Smith in a telephonic interview on 4/27/06.

5. In the claims:

a. In claim 16, the dependency of the said claim has been changed by deleting "Claim 15" and substituting therefore --Claim 14--.

b. In claim 18, the dependency of the claim has been changed by deleting "Claim 17" and substituting therefore --Claim 16--.

c. In claim 1, "in length" had been deleted at line 3, --length--has been added at line 3 after "of" and before "from", "groups" has been deleted at line 4 and replaced with --group--, --fragment-- has been added at line 4 after "antibody" and before "and", "another" has been deleted at line 4, --the thiol group of the cysteine residue--has been added after "and" and before "present" at line 4.

d. In claim 21, "in length" had been deleted at line 3, --length--has been added at line 3 after "of" and before "from", "groups" has been deleted at line 4 and replaced with --group--, --fragment-- has been added at line 4 after "antibody" and before "and", "another" has been deleted at line 4, --the thiol group of the cysteine residue--has been added after "and" and before "present" at line 4.

e. In claim 22, "in length" had been deleted at line 3, --length--has been added at line 3 after "of" and before "from", "groups" has been deleted at line 3 and replaced with --group--, --fragment-- has been added at line 4 after "antibody" and before "and", "another" has been deleted at line 4, --the thiol group of the cysteine residue--has been added after "and" and before "present" at line 4.

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Mr. Smith gave permission to extend time 1 additional month.

### REASONS FOR ALLOWANCE

6. The following is an examiner's statement of reasons for allowance:

- a. Claims 14 and 16-22 are pending and are allowable.
- b. The arguments of record in the Declaration of Bryan John Smith, Ph.D. under 37 CFR 1.132 filed 3/29/06 are persuasive.
- c. The claimed hybrid protein comprising one antigen-binding antibody fragment covalently linked to an albumin molecule, wherein the antibody fragment and albumin are indirectly linked by a bridging molecule of from around 10 angstroms to around 20 angstroms in length between the thiol groups of a cysteine residue present in the antibody and another present in the albumin at position 34, and pharmaceutical composition thereof, are not taught or suggested by the prior art.
- d. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marianne DiBrino whose telephone number is 571-272-0842. The Examiner can normally be reached on Monday, Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Christina Y. Chan, can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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